REMARKS

Claims 25, 27 and 28 have been amended.

The Examiner has rejected applicant's claims 25-29 under 35 USC § 102(b) as anticipated by the Diamant, et al. patent (U. S. Patent No. 6,268,789). Applicant has amended applicant's independent claims 25, 27 and 28 and with respect to these claims, as amended, this rejection is respectfully traversed.

Applicant's independent claim 25 has been amended to better define applicant's invention. In particular, amended independent claim 25 recites a communication apparatus for transferring image data from a first network to a second network, wherein the communication apparatus transfers the image data to a destination on the second network by using one of a plurality of transfer paths that are on the second network, said apparatus comprising: a reception unit configured to receive image data via a first network; a first discrimination unit configured to discriminate if the received image data is confidential or not; a judgment unit configured to judge if security of each transfer path to the destination of the received image data via the second network is ensured or not, when the result of the discrimination by said first discrimination unit indicates the received image data is confidential; a first control unit configured to control, when the result of the discrimination by said first discrimination unit indicates the received image data is not confidential, to transfer the received image data to the destination of the received data via the second network regardless of whether security of the transfer path to the destination of the received image data via the second network is ensured or not; and a second control unit configured to control, when the result of the discrimination by said first discrimination unit indicates the received image data is confidential, to transfer the received image data to the destination of the received data via the second network when the result of the judgment by said

judgment unit indicates security of the transfer path is ensured, and to store the received image data in a storage area corresponding to the destination of the received image data without transferring the received image data to the destination when the result of the judgment by said judgment unit indicates security of the transfer path is not ensured. Claims 27 and 28 have been similarly amended.

In particular, independent claims 25, 27 and 28 have been amended to clarify that the communication apparatus transfers image data from a first network to a destination on a second network and that the communication apparatus is connected to the destination on the second network via one of a plurality of transfer paths on the second network. As recited in applicant's independent claims 25, 27 and 28, if the image data received from the first network is confidential, it is judged whether or not security of each transfer path on the second network to be used to transfer the image data is ensured. If it is judged that the security of the transfer path is ensured, then the received image data is transferred, and if it is judged that the security of the transfer path is not ensured, the received image data is not transferred but is stored in a storage area.

The constructions recited in applicant's amended independent claims 25, 27 and 28 are not taught or suggested by the cited art of record. In particular, the cited Diamant, et al. patent does not teach or suggest a judgment unit configured to judge if security of each transfer path to the destination of the received image data via the second network is ensured or not, when the result by the discrimination unit indicates the received image data is confidential. The Diamant, et al. patent discloses a network having a plurality of nodes (20, 30, 40, 50, 60 and 70), a server (4), a public network (6) and a secured network (8). The plurality of nodes can include secured nodes (20, 30, 40) which are connected to both public and secured networks, non-secured nodes

(50, 60), which are connected only to the public network and a locally secured node (70) connected only to the public network. See, FIG. 1; Col. 5, line 25 – Col. 6, line 45. In the Diamant, et al. patent, data that is not confidential can be transmitted from any node to any other node over the public network (6) and stored in a public storage area of the receiving node. See, Col. 6, lines 62-65. Diamant, et al. also discloses that confidential data can be transmitted from one node to another or from the server to another node, by dividing the confidential data into two segments and transmitting the two segments over the public network (6) or transmitting a first segment over the public network and a second segment over the secured network (8) so that only a node connected to the secured network can receive the two segments. See, See, Col. 6, line 65-Col. 7, line 13; Col. 7, lines 33-41. In addition, Damiant, et al. teaches that the server (4) includes a managing controller (98) which provides access to a secured storage area (18) of the server's storage unit (14) only to access requests which are transmitted via the secured network (8).

Thus, in Diamant, et al., the two networks are the public network (6) and the secured network (8), wherein all transfer pathways on the public network (6) are not ensured and all transfer pathways on the secured network (8) are ensured. Since the security of all transfer pathways on each network is predefined by the characteristic of the network itself, i.e. public vs. secured, it is unnecessary for the system of Diamant, et al. to judge whether or not each transfer path to the destination of the received image data, i.e. the transfer path to the receiving node, via the second network is ensured or not. That is, if the public network (6) of Diamant, et al. is equated to the first network and the secured network (8) is equated to the second network, the security of all transfer paths to the receiving node via the second network is always ensured. Similarly, if the secured network (8) of Diamant, et al. is the first network and the public network (6) is the second network, the security of all transfer paths to the receiving node via the second

network is always not ensured. Moreover, Col. 7, lines 4-12 of Diamant, et al. cited by the Examiner teach only that confidential data retrieval request is transmitted in two segments where the first segment is transmitted to the destination node over the public network and the second segment is transmitted via the secured network. There is no mention in this portion of the Diamant, et al. patent of judging the security of any of the transfer paths to the destination node, and instead the security of the transfer paths is predetermined by the network over which the data is being transmitted.

Therefore, in the Diamant, et al. patent, there is no judging as to whether the security of each transfer path to the destination of the received image data via the second network is ensured or not, when the result of the discrimination by the discrimination unit indicates that the received image data is confidential. Applicant's amended independent claims 25, 27 and 28, which recite such features, and their respective dependent claims, thus patentably distinguish over the Diamant, et al. patent.

Moreover, there is no teaching or suggestion in the Diamant, et al. patent of the second control unit configured to control, when the result of the discrimination by the first discrimination unit indicates that the received image data is confidential, to transfer the received image data to the destination of the received data via the second network when the result of the judgment by the judgment unit indicates security of the transfer path is ensured, and to store the received image data in a storage area corresponding to the destination of the received image data without transferring the received image data to the destination when the result of the judgment by the judgment unit indicates security of the transfer path is not ensured. As discussed above, there is no teaching in Diamant, et al. of judging whether the security of the transfer path of the second network is ensured or not, and thus there cannot be any controlling in Diamant, et al. to transfer

the image data or to store the image data without transferring it based on the judgment whether or not the security of the transfer path is ensured.

In addition, Diamant, et al. discloses that confidential data transmitted in two segments over the public and secured networks can only be received by nodes connected to the secured network (See, Col. 7, lines 4-12) and that in some embodiments, a secured node (e.g. 40) can be used as a security supervising station so that when a secured node transmits confidential data to a non-secured node, the security supervising station stores the transmitted data in its storage unit until authorization to transfer the data to the non-secured node is received. However, there is no mention in Diamant, et al. of storing the confidential data in a storage area corresponding to the destination of the received image data without transferring the received image data to the destination.

Accordingly, applicant's amended independent claims 25, 27 and 28, each of which recites judging if security of each transfer path to the destination of the received image data via the second network is ensured or not, when the result of the discrimination indicates the received image data is confidential, and controlling, when the result of the discrimination indicates that the received data is confidential, to transfer the received image data to the destination of the received data via the second network when the result of the judgment indicates security of the transfer path is ensured and to store the received image data in a storage area corresponding to the destination of the received image data without transferring the received image data to the destination when the result of the judgment indicates security of the transfer path is not ensured, and their respective dependent claims, patentably distinguish over the Diamant, et al. patent.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly reconsideration of the claims is respectfully requested.

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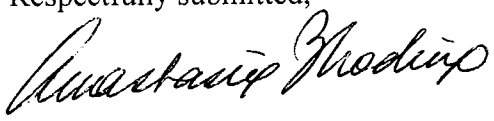
Respectfully submitted,



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